



AAA Mediation.org™

**FN-2518727 MN-2518727 LN-2518727,  
Esq.**

**New York, New York**



### **Work History**

Self-employed, 2006 – Present; Of Counsel/Partner, Patterson Belknap Webb & Tyler LLP, 1995 – 2006; Partner/Associate, Holtzmann Wise & Shepard, 1985 – 1995; Associate, Debevoise & Plimpton, 1979 – 1985.

### **Experience**

Retired corporate partner, Patterson Belknap Webb & Tyler LLP, with broad experience in mergers and acquisitions, corporate finance, corporate reorganizations, contracts, partnership and estate disputes.

### **Mediator Experience**

Mediated cases in construction law, banking law, contracts, personal injury, mergers and acquisitions, professional liability, entertainment and employment dispute cases. Typical case has involved business deals between companies or between a company and an individual under contract to the company, with the amount of money under dispute typically being less than \$2,000,000, but some have been much larger. Serves on mediation rosters of United States District Courts, Southern District of New York and Eastern District of New York and Commercial Division of the New York Supreme Court, New York County. Also serves as a Special Master in the Appellate Division, New York State Supreme Court, First Department.

### **Representative Issues Handled as a Mediator**

Construction cases involving allegations of failure of performance and damages claimed as a result. Other business cases mediated have involved claims of misrepresentation or nonperformance and partnership disputes in corporate and real estate transactions. Has mediated employment cases involving improper termination, discrimination, failure to pay agreed upon or legally required compensation, undocumented business expenses and disputes between senior employees which their employer deemed harmful. Banking cases have included disputes over guarantees and claims of improper sale of mortgage products. An entertainment case involved a contract dispute between a singer and organization that had contracted to feature him in concerts. Insurance cases involved coverage issues and damage calculations under various policies. Discrimination cases have included claims of racial discrimination, sexual harassment and failure to accommodate disability. Civil rights cases have involved claims of police brutality and illegal detention.

### **Mediator Style & Process Preferences**

Mr. Gettner believes that mediation can save parties the expense, distraction and energy involved in prolonged litigation. Given that over 90% of civil cases settle before trial, a skilled mediator can help achieve settlement sooner rather than later. Mr. Gettner believes that a mediator should facilitate the process, but that what that means depends very much on the case and the parties. The

mediator must be prepared to use a wide range of techniques if he is to be successful. The mediator must always maintain his neutrality and respect the confidentiality of what parties tell him. At the same time, he must be ready when it is appropriate to propose terms and push for settlement. The mediation process is one owned by the parties, but mediations vary in the approach that can lead to settlement. Sometimes parties see the strengths and weaknesses of their case simply through the process of talking to a neutral mediator, while in other instances they may need help in evaluating the strength of their positions and the risks and costs involved in litigation. Sometimes a mediator will push for settlement while in other instances his role may be limited to defining issues more clearly so that the parties see what information they need to advance the settlement process.

<b>Education</b>	Columbia University School of Law (JD-1979); Columbia University (Ph.D.-1972); University of Chicago (MA-1965); Yale University (BA-1963).
<b>Professional Licenses</b>	Admitted to the Bar: New York, 1979; U.S. District Court: Southern and Eastern Districts of New York.
<b>Professional Associations</b>	American Bar Association (Section on Dispute Resolution); Association of the Bar of the City of New York.
<b>Mediation Rate</b>	\$4,000 Per Day
<b>Languages</b>	English
<b>Citizenship</b>	United States of America
<b>Locale</b>	New York, NY

The AAA's Rules provide the AAA with the authority to administer a mediation including, mediator appointment, general oversight and billing. Accordingly, mediations that proceed without AAA administration are not considered AAA mediations, even when the parties select an mediator who is on the AAA's Roster.

The information contained in this resume has been supplied solely by the individual mediator and may, or may not, be a complete recitation of their experience. The AAA assumes no responsibility for the content, completeness, accuracy, or reliability of the information contained in a mediator's resume. If you have any questions about a mediator's experience or background, you are encouraged to contact your case manager.

Mediators on the AAA Roster are not employees or agents of the AAA.